Township Council
1 Municipal Plaza
Bloomfield, NJ 07003

Louise M. Palagano
Municipal Clerk

http://www.bloomfieldtwpnj.com

Meeting: 04/11/22 07:00 PM

Old 22

22

2022 ORDINANCE NEW ORDINANCE

ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BLOOMFIELD, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY, AMENDMENT TO CHAPTER 315 OF THE TOWNSHIP CODE, PERMITTING THE OPERATION OF CERTAIN CLASSES OF CANNABIS BUSINESSES IN THE BLOOMFIELD CENTER REDEVELOPMENT PLAN - PHASE II

BE IT ORDAINED, by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey, as follows:

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, on August 16, 2021, the Township Council of the Township of Bloomfield adopted an Ordinance allowing and regulating one or more classes of cannabis business within Bloomfield, finding it to be in the best interest of the health, safety and welfare of Township of Bloomfield's residents and members of the public who visit, travel, or conduct business in Township of Bloomfield, and amending the Township of Bloomfield's zoning regulations to permit those cannabis-related activities, including land use and development, within certain geographic boundaries within Bloomfield; and

WHEREAS, the Township Council determined that the selling of cannabis and cannabis items to consumers from a retail store by a cannabis retailer shall be a conditional use in all B2 and CBD zones, with Planning Board approval required, subject to meeting the conditions set forth in any applicable zoning ordinance or receiving a variance from one or more of those conditions in accordance with the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.); As dictated by the Township's enabling Ordinance, a total of no more than six Cannabis Retailers are permitted throughout the Township, with two permitted in the Northern Sector of the Township (including the portion of the B-2 Zone north of the Bay Avenue centerline); two permitted in the Central Sector (including the portion of the B-2 Zone south of the Bay Avenue

centerline); and two permitted in the Southern Sector, irrespective of which of the two zones they may be located in. At least three of the six Cannabis Retailers permitted in the Township shall be a microbusiness. No variance shall be granted permitting any greater number of Cannabis Retailers or microbusinesses either throughout the Township or in any individual Sector; and

WHEREAS, on January 24, 2022, the Mayor and Council adopted two Ordinances concerning the retail sale of cannabis: An Ordinance Approving Amendments to the Bloomfield Center Redevelopment District - Phase I to permit Cannabis Retail Sales as a Permitted Use within the Commercial Corridor, and an Ordinance amending Chapter 315 of the Township Code to permit Certain Classes of Cannabis Businesses in the Bloomfield Center Redevelopment District - Phase I; and

WHEREAS, the Mayor and Council recognize that further permitting cannabis retail within the Bloomfield Center Redevelopment District - Phase II (the "BCRD Phase II") would provide added stimulus to the economic vitality of the area as well as increased opportunity for new businesses, microbusinesses and property owners in the area; and

WHEREAS, retail stores are currently a permitted use within the BCRD-Phase II; and

WHEREAS, concurrent with this Ordinance's introduction on First Reading, the Mayor and Council are introducing on First Reading an Ordinance to amend the Bloomfield Center Redevelopment Plan-Phase II ("Phase II Plan") to permit cannabis retail sales as a permitted use within the BCRD-II, subject to certain regulations; and

WHEREAS, the Municipal Land Use Law (**"MLUL"**) requires in N.J.S.A. 40:55D-26 that all ordinances constituting a development regulation must be referred to the Planning Board for review to determine whether there are any inconsistencies between the proposed ordinance and the Township Master Plan and for any other recommendations the Planning Board may have with respect to the proposed ordinance; and

WHEREAS, concurrently with this Ordinance's introduction on First Reading, the Mayor and Council shall adopt a Resolution referring this Ordinance to the Planning Board for review pursuant to N.J.S.A. 40:55D-26; and
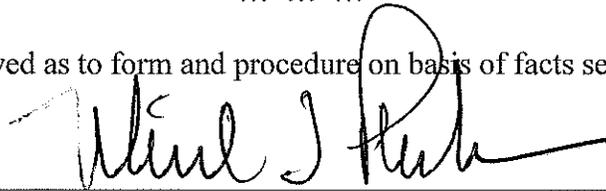
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Bloomfield, Essex County, New Jersey, as follows:

Section 1.   The aforementioned recitals are incorporated herein as though fully set forth at

length.

Section 2.   Chapter 315, Section 39(B), 9(a) shall be amended to permit the operation of

certain classes of cannabis businesses within the BCRD-Phase II.

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Approved as to form and procedure on basis of facts set forth.

_____
Director of Law-Township Attorney

I hereby certify that the above ordinance was duly adopted by the Mayor and Council of
the Township of Bloomfield at a meeting of said Township Council held on April 11, 2022.

_____
Municipal Clerk of the Township of Bloomfield

_____
Mayor of the Township of Bloomfield

✓ Vote Record - Ordinance				Yes/Aye	No/Nay	Abstain	Absent
☐ Adopt							
☐ Deny							
☐ Withdrawn	Jenny Mundell			☑	☐	☐	☐
☐ Table	Nicholas Joanow			☑	☐	☐	☐
☐ Not Discussed							
☐ First Reading	Sarah Cruz			☑	☐	☐	☐
☐ Table with no Vote	Wartyna Davis			☑	☐	☐	☐
☐ Approve	Ted Gamble			☑	☐	☐	☐
☐ Veto by Mayor	Richard Rockwell			☑	☐	☐	☐
☐ Discussion	Michael J. Venezia			☑	☐	☐	☐
☐ Defeated							
☐ Discussion No Vote							

✓ Vote Record - Ordinance				Yes/Aye	No/Nay	Abstain	Absent
☐ Adopt							
☐ Deny							
☐ Withdrawn	Jenny Mundell			☑	☐	☐	☐
☐ Table	Nicholas Joanow			☑	☐	☐	☐
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☐ Approve	Ted Gamble			☑	☐	☐	☐
☐ Veto by Mayor	Richard Rockwell			☑	☐	☐	☐
☐ Discussion							

☐ Defeated ☐ Discussion No Vote	Michael J. Venezia			☑	☐	☐	☐